

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 2:16-cr-20460

Hon. Mark A. Goldsmith

Mag. Judge R. Stephen Whalen

D-1 EDWIN MILLS,

D-2 CARLO WILSON,

Defendants.

ORDER ADDRESSING SCHEDULING ISSUES

This Order addresses the following scheduling issues.

1. During the August 30, 2019 telephone conference with counsel for all parties, the Government expressed the view that, given the current indeterminacy of Defendant Wilson's competency and the current suspension of the Atkins hearing, it is unlikely that this case will be ready for trial on April 21, 2020, as currently scheduled. The Government urged an adjournment, which given the unavailability of defense counsel Jean Barrett due to another death penalty case that she will be trying in October 2020, would not allow setting a trial in this case until sometime in 2021. Counsel for both Defendants had no objection to the requested adjournment. The Court has decided that no adjournment will be ordered at this

time. The Court will assess the situation after the competency evaluation of Defendant Wilson is completed. In the interim, all parties should proceed on the assumption that the current schedule will remain in place.

2. The Court is informed that discovery materials will be made available on September 4, 2019 pursuant to Chief Judge Hood's July 16, 2019 order (Dkt. 993). Accordingly, Defendant Mills's fair cross-section motion must be filed on or before October 4, 2019. Although Judge Hood's order requires certain materials to be subject to a protective order, Defendant Mills has not submitted a proposed order for consideration by the undersigned judge. He must submit a proposed order to the undersigned judge forthwith, to avoid delaying defense counsel's review of the documents. The due date for the motion will not be adjourned due to the delay in submitting a protective order.

3. Defendant Wilson filed a sealed, ex parte response (Dkt. 1061) pursuant to the Court's August 14, 2019 order (Dkt. 1043), setting forth two specific categories of evidence that the defense wishes to challenge and as to which defense counsel claims Wilson's personal involvement is required, i.e., the categories specifically described in the second to last paragraph of page 17 of Defendant Wilson's response. Without necessarily agreeing that a sufficient showing has been made that Wilson's personal involvement is required to properly draft such motions, the Court will suspend the due date for motions in limine relative to those two

categories. No other due dates for motions are suspended. In particular, the Court notes that the September 17, 2019 Daubert motion due date remains in place for both Defendants.

SO ORDERED.

Dated: September 3, 2019
Detroit, Michigan

s/Mark A. Goldsmith
MARK A. GOLDSMITH
United States District Judge

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or First Class U.S. mail addresses disclosed on the Notice of Electronic Filing on September 3, 2019.

s/Karri Sandusky
Case Manager